

REMARKS

This amendment is being filed in response to the Office Action dated January 19, 2006. Claims 1-2, 6-10, and 12 are amended as shown. Claim 13 has been withdrawn from consideration pursuant to a Restriction Requirement. No new matter has been added. With this amendment, claims 1-13 are pending in the application.

I. Election/Restriction and Other Preliminary Matters

In the Office Action, the Examiner confirmed the applicant's prior election of claims 1-12 and withdrew claim 13 from consideration. The applicant has kept withdrawn claim 13 pending herein, so that claim 13 can be considered for rejoinder with claims 1-12 if and when claims 1-12 are found to be allowable and to contain a generic or linking claim. Further if claim 13 is ultimately determined by the Examiner to be eligible for rejoinder, the applicant kindly requests the opportunity to amend claim 13 at that time, if appropriate, to facilitate its allowance.

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 112, second paragraph for being indefinite. Claim 7 has been amended as shown to address the indefiniteness rejection.

II. Discussion of the Applicant's Disclosed Embodiments

In the Office Action, the Examiner rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over Stroppiana (EP 0 968 804 A2) in view of Smith (U.S. Patent No. 3,039137) and Armstrong (GB 617,266). For the reasons set forth below, the applicant respectfully disagrees with this rejection and requests that the pending claims be allowed.

A disclosed embodiment will now be discussed in comparison to the applied references. Of course, the discussion of the disclosed embodiment, and the discussion of the differences between the disclosed embodiment and subject matter described in the applied references, do not define the scope or interpretation of any of the claims. Instead, such discussed differences are intended to merely help the Examiner appreciate important claim distinctions discussed thereafter.

An embodiment provided by the present applicant is directed towards a process for producing a covering that is substantially free from phenomena of directionality, which

process i) can be carried out in a discontinuous manner, and ii) ensures that the overall color of the covering will remain substantially constant throughout the fabrication process and will not be subjected to color change. As explained on page 2, line 21 through page 3, line 2 of the present application, color change is highly negative or otherwise undesirable when successive portions of the same lot of covering have to be laid down one alongside another.

In particular, one embodiment provided by the present applicant is directed towards a covering sheet manufacturing process that can be carried out in a discontinuous way and is able to ensure, precisely as a result of the mixing operations, that the mixed granular material will present characteristics of complete chromatic homogeneity, in order to assure a substantial constancy of the chromatic characteristics of the end product, without any undesirable phenomena of color change or color variation. *See, e.g.,* page 3, lines 15-26 and elsewhere in the present application.

These results are possible since the mixing operation is performed by an embodiment until the granular material is rendered substantially chromatically homogeneous and is fed into a gap between rollers of a vertical calender direct by gravity. *See, e.g.,* Figure 1 and the accompanying description and elsewhere in the present application.

Such features are not disclosed, taught, or suggested by the cited references. For example, Stroppiana describes a process for producing a covering comprising the steps of: i) forming a substantially continuous bed of fragmented material; and ii) subjecting the material bed to a process of compacting so as to form a sheet material as a result of the cohesion of the fragmented material. The compacting operation is carried out, for instance, by using an isostatic press or a pair of belt-type elements having branches that face one another to define a compacting chamber. *See, e.g.,* the Abstract and paragraph [0024] of Stroppiana. No mention about the chromatic homogeneity of the fragmented material is present in Stroppiana

Smith discloses an apparatus for forming plastic sheets, and, in particular, terrazzo floor or tiling comprising an embedment of multi-colored chips of stone in a base matrix generally of contrasting color. Terrazzo tiling has the appearance of random discrete color patches distributed in a background field or matrix of contrasting color. *See, e.g.,* column 1, lines 12-16 and 24-30 of Smith. Thus, it is clear that the process and product of Smith do not provide chromatic homogeneity.

The manufacturing process of Smith provides for the arrangement of the granules in a thin bed, which shall be compacted by a rotatably driven heated drum around an arcuate portion. There is not any description in Smith of a vertical feeding by gravity of the compacting means. *See, e.g.*, Figures 1 and 3 of Smith.

Armstrong relates to the manufacture of variegated plastic sheet material having a ground or base of one or more colors and a veined or swirl-grain pattern of contrasting or variegating color or colors, generally similar in appearance to marble. *See, e.g.*, page 1, lines 11-17 of Armstrong.

The method of Armstrong comprises the following steps: i) extruding a mixture of ground and variegating colour compositions into mottle-colored rods (*see, e.g.*, page 1, lines 57-64 of Armstrong); ii) feeding a mass of such regularly arranged rods into the nip of a sheeting calender with the length of the rods generally parallel to the axes of the calender rolls and in such a manner as to maintain a bank of said rods in the nip; and iii) compressing the mass of mottle-colored rods into the nip and through the calender rolls to unite the rods into a variegated sheet (*see, e.g.*, page 1, lines 72-79 and Figure 1 of Armstrong).

None of the solutions presented in the above-discussed references, which are based on an intrinsically continuous process, address at all the solution provided by embodiments of the present applicant (*e.g.*, the chromatic homogeneity of the covering sheet).

As explained above, no mention about the chromatic homogeneity of the fragmented material is present in Stroppiana. Smith and Armstrong specifically teach against chromatic homogeneity, since their aim is to manufacture covering sheets having specific patterns: random discrete color patches distributed in a background field (or a matrix of contrasting color) in Smith, and variegated plastic sheet material having "marble" appearance in Armstrong.

With respect to the specific way of feeding the calender rollers (*e.g.*, vertically by gravity) provided by the present applicant, this technique avoids the formation of a piled-up layer of raw material, whose chromatic characteristics cannot be controlled. In other words, the generation of a piled-up layer of raw material on a belt for horizontally feeding the compacting means (like those provided in Stroppiana and Smith) results in a further uncontrolled change in the chromatic composition of the layer of (not already chromatically homogeneous) raw

material. In these references, the horizontal feeding of the press necessitates, in fact, of a layer of the granular material deposited on a feeding belt upon which the granular material is piled up, heaped up without any control.

On the contrary in the arrangement according to the embodiment provided by the present applicant, the vertical feeding of the calender (e.g., having the chromatically homogeneous granular material falling direct by gravity into the gap between the calender rollers) does not create such an uncontrolled piling up step.

While Armstrong shows a vertical feeding of the calender, the aim of Armstrong is the manufacture of a variegated "marble" appearance covering sheet. Therefore, no teaching, suggestion or any mere hint can be derived from Armstrong that would make the features of the present applicant's invention obvious for the person skilled in the art, whether singly or in combination with the other cited references.

III. Discussion of the Claims

Claim 1 has been amended to recite "subjecting said granular material to mixing until it is rendered substantially chromatically homogeneous" and "feeding said granular material rendered chromatically homogeneous by mixing to a calender, by direct feeding by gravity of the chromatically homogeneous granular material ..." As explained above, these features are distinctive over the cited references, whether singly or in combination.

For example, none of the references provide for chromatic homogeneity, since such references are silent with regards to this feature and/or specifically teach against this feature with their terrazzo or marble coloring. Thus, claim 1 is allowable based at least on this recitation. Furthermore, none of the references provide for direct feeding by gravity of the chromatically homogeneous granular material. For instance, Stroppiana and Smith provide horizontal feeding, while Armstrong's vertical-feeding process does not involve chromatically homogeneous granular material.

Accordingly, claim 1 is allowable over the cited references, whether singly or in combination.

The various claims are also amended as shown to provide proper antecedent basis, to more precisely recite the subject matter contained therein, and/or to otherwise place such claims in better form.

IV. Conclusion

Overall, none of the references singly or in any motivated combination disclose, teach, or suggest what is recited in the independent claims. Thus, given the above amendments and accompanying remarks, the independent claims are now in condition for allowance. The dependent claims that depend directly or indirectly on these independent claims are likewise allowable based on at least the same reasons and based on the recitations contained in each dependent claim.

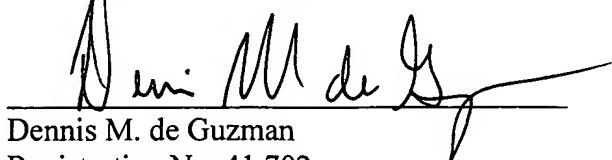
If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 622-4900.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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